

NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R12-4-101	Amend
R12-4-107	Amend
R12-4-114	Amend
R12-4-118	New Section
R12-4-121	Amend
R12-4-302	Amend
R12-4-611	Amend
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-102, 17-231(A)(1), 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-231(B)(1), 17-231(B)(8), 17-234, 17-301, 17-331, 17-332, 17-371, and Title 41, Chapter 6, Article 10
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: ## A.A.R. (*to be filled in by the Register Editor*), <date>
- 4. The agency's contact person who can answer questions about the rulemaking:**

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Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.
- 5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition,

fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. In January 2014, the Commission implemented a new basic license structure to generate additional revenue for the Game and Fish Fund, remove barriers for recruitment of new hunters and anglers, and provide more value to recruit and retain customers. Although the Department's revenue projections indicate a \$3.8 million revenue increase may result from the exempt rulemaking, it is too soon to tell if the projections were correct.

During the First Regular Session of the 51st Arizona State Legislature, the Legislature amended A.R.S. Titles 5 and 17 to allow the Arizona Game and Fish Commission to establish license classifications and fees to give the Department the ability to operate more like a business.

In January 2014, the Commission directed the Department to further explore the concept of bundling products and services as a means to encourage participation in recreational activities and generate additional revenue. The Commission anticipates membership program participation will provide the public with a way to stay up to date on the latest angling, hunting, volunteer, and Department activities, connect with others who have like interests, and make a positive impact on the greater hunter, angler, and wildlife viewer community. Maintaining a membership for multiple years can provide a rewarding experience as the program and its members grow. The Commission proposes to make the membership program available for purchase/enrollment online only to allow the Department to link the person's membership with their Department record, when one exists.

Under A.R.S. § 17-331, a person is required to carry a license or "proof of purchase" and produce it on request to any game ranger, wildlife manager or peace officer. Because hunting and fishing licenses and tags are available at Department offices, at license dealers, and online, the size, shape, format, and features vary depending on where they were purchased. The Commission proposes to amend R12-4-101 to define "proof of purchase" to clarify what is needed to establish proof of purchase.

The Commission proposes to amend R12-4-107 to enable the Department to reinstate forfeited bonus points when a person donates an original, unused hunt permit-tag to a qualified non-profit organization. The person must have an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer and provide proof the tag was donated to an eligible non-profit organization. The current rule allows the Department to reinstate a person's bonus points when the person is unable to use a hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency. The rule also allows the Department to correct a person's bonus point total when a Department error resulted in an incorrect total. The proposed rule clarifies that the reinstatement of a person's bonus points for these reasons is not subject to the requirements of the new tag surrender rule, R12-4-118.

The Commission proposes to amend R12-4-114 to remove descriptive language relating to tag features. Including this language in rule makes it difficult for the Department to procure permit- and nonpermit-tags and does not allow the Department to easily change tag features.

The Commission proposes to adopt a new rule establishing the requirements that enable a person to surrender

an unused original hunt permit-tag. Under R12-4-107, all of a person's accumulated bonus points for a genus are forfeited when the person is issued a hunt permit-tag in a computer drawing. The Commission directed the Department to develop a tag surrender option that would allow a hunter to surrender their unused, original hunt permit-tag and become eligible to purchase another hunt permit-tag for a future hunt. The proposed rule allows the Department to restore the person's bonus points that were forfeited for the surrendered tag, and award any bonus points the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag. The Department will not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E). The proposed rule also enables the Department to re-issue or destroy the surrendered tag. The Department will base the decision to reissue or destroy the surrendered tag using specific criteria, such as the proximity to the start of a hunt for which the tag is valid, the type of tag, and whether the tag is for a high demand hunt. The Commission proposes to re-issue a surrendered tag using any one or more of the following methods: 1) Offer the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process. The person must possess or purchase a valid license in order to be eligible to purchase the surrendered tag. If the person is not interested in purchasing the surrendered tag or is not eligible because the person has already met the annual or lifetime bag limit for that genus, the tag would be offered to the next person within that membership level in the Department's membership program who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process, and so on. 2) Offer the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program which contained a tag surrender option and would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process. The same limitations and requirements that apply to method 1) will apply to this method. 3) Offer the surrendered tag to an eligible person who would have been next to receive a tag, as evidenced by the random numbers assigned during the Department's draw process. The same limitations and requirements that apply to method 1 will apply to this method. 4) Offering the surrendered tag through the first-come, first-serve process. For group applications where one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Commission proposes to offer the surrendered tag first to the applicant designated "A," if eligible to receive the surrendered tag. If applicant "A" chooses not to purchase the surrendered tag or is not eligible, the Department will offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag. The Commission proposes that a person purchasing the surrendered tag shall forfeit all bonus points accrued for that genus, except any Hunter Education and loyalty bonus points.

For R12-4-121 Big Game Permit or Tag Transfer, the objective of the rule is to establish the requirements for an unused big game tag transfer as authorized under A.R.S. § 12-332, which allows a parent, guardian, or grandparent to transfer their unused big game tag to a minor child or grandchild; or a person to transfer their

unused big game tag to a 501(c)(3) organization that provides hunting opportunities and experiences to a minor child with life-threatening medical conditions or physical disabilities. To ensure these organizations are not negatively impacted by the provisions established under R12-4-118, the Commission proposes to amend the rule to allow a person to request the reinstatement of bonus points after transferring a tag to a qualified organization, provided the person had an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer.

For R12-4-302 Use of Tags, the objective of the rule is to establish restrictions and requirements for the possession and use of tags, authorizing an individual to take certain wildlife. The Commission proposes to amend the rule to remove descriptive language relating to the manner in which the tag is attached.

For R12-4-611 Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy, the Commission also proposes to prohibit persons from petitioning the Commission for reinstatement of any forfeited bonus points, except as authorized under R12-4-107(J) and (L). The rule allows an aggrieved person to request a hearing before the Commission when no other administrative remedy exists in statute, rule or policy. The Commission believes that the proposed R12-4-118 will provide a remedy for reinstatement of any forfeited bonus points.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not rely on any study in its evaluation of or justification for the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Commission anticipates the proposed rulemaking will provide a benefit to the regulated community and the Department by establishing a membership program and establishing the limitations and requirements for surrendering a tag and restoring a person's bonus points forfeited for the surrendered tag. It is difficult to quantify the value a person places on their bonus points; however, it can be significant. The Commission anticipates the proposed rulemaking will have a minimal impact on the regulated community. Becoming a member of the Department membership program is voluntary and only those persons who choose to participate in the program will pay a membership fee. The Commission does not anticipate the membership fee will significantly affect a person's ability to practice an activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The Department will benefit from the additional revenue that may be generated. In addition, the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

See item #4.

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 1, 2014

Time: 8:00 a.m. to 5:00 p.m.

Location: 1175 West Route 66
Flagstaff, Arizona 86001

Close of record: August 1, 2014

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

The rule does not require the issuance of a regulatory permit, license, or agency authorization.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

The subject matters covered in the rulemaking are governed by state law rather than any corresponding federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

R12-4-101. Definitions

R12-4-107. Bonus Point System

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

R12-4-118. ~~Repealed~~ Hunt Permit-tag Surrender

R12-4-121. Big Game Permit or Tag Transfer

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

R12-4-302. Use of Tags

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

Section

R12-4-611. Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-101. Definitions

A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

"Bonus point" means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

"Commission Order" means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or
- Specify wildlife that may or may not be taken.

"Day-long" means the 24-hour period from midnight to midnight.

"Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will discharge, is designed to discharge or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

"Hunt area" means a game management unit, portion of a unit, or group of units, or any portion of Arizona described in a Commission Order and not included in a game management unit, opened to hunting by a particular hunt number.

"Hunt number" means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

"Hunt permits" means the number of hunt permit-tags made available to the public as a result of a Commission Order.

"Hunt permit-tag" means a tag for a hunt for which a Commission Order has assigned a hunt number.

"Identification number" means the number assigned to each applicant or license holder by the Department, as established under R12-4-111.

"License dealer" means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

"Live baitfish" means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

"Management unit" means an area established by the Commission for management purposes.

"Nonpermit-tag" means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

"Proof of purchase," for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

"Restricted nonpermit-tag" means a tag issued for a supplemental hunt as established under R12-4-115.

"Stamp" means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp.

"Tag" means the Department authorization that an individual is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

"Waterdog" means the larval or metamorphosing stage of salamanders.

"Wildlife area" means an area established under 12 A.A.C. 4, Article 8.

B. If the following terms are used in a Commission Order, the following definitions apply:

"Antlered" means having an antler fully erupted through the skin and capable of being shed.

"Antlerless" means not having an antler, antlers, or any part of an antler erupted through the skin.

"Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.

"Buck antelope" means a male pronghorn antelope.

"Bull elk" means an antlered elk.

"Designated" means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.

"Ram" means any male bighorn sheep, excluding male lambs.

R12-4-107. Bonus Point System

A. For the purpose of this Section, the following definitions apply:

"Bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and

"Loyalty bonus point" means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

B. The bonus point system grants a person one random number entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104. When processing "group" applications, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form ~~if~~ when all of the following apply:

1. The application is unsuccessful in the drawing or the application is for a bonus point only;
2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as established under R12-4-114; and
3. The applicant either provides the appropriate hunting license number on the application or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.

- D.** An applicant who purchases a bonus point only shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed under R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. The Department shall reject any application that:
 - a. Indicates the bonus point only hunt number as any choice other than the first choice, or
 - b. Includes any other hunt number on the application;
 2. Include the applicable fees:
 - a. Application fee, and
 - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
 3. Submit only one Hunt Permit-tag Application Form per genus per drawing.
- E.** With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F.** Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection ~~(K)~~ (L), all of a person's accumulated bonus points for a genus are forfeited if:
1. The person is issued a hunt permit-tag for that genus in a computer drawing; ~~or~~
 2. The person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years; or
 3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G.** Notwithstanding subsection (F.) the Department shall reinstate any forfeited bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- ~~G.~~H.** An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- ~~H.~~I.** The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
 2. An instructor or a person who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- ~~I.~~J.** The Department shall make an applicant's total number of accumulated bonus points available on the

Department's application web site or IVR telephone system. If the applicant disagrees with the total, the applicant may request from the Department proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.

J.K. The Department shall credit bonus points under an applicant's Department identification number for the genus on the application. The Department shall not transfer bonus points between persons or genera.

K.L. The following provisions apply to the loyalty bonus point program:

1. The Department shall award a loyalty bonus point if an applicant submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period.
2. An applicant retains a loyalty bonus point once accrued as long as the applicant submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant's loyalty bonus point for that genus is forfeited.
4. For the purpose of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.
5. A loyalty bonus point is accrued in addition to all other bonus points.

L.M. The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request reinstatement of forfeited bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:

1. A letter from the applicant requesting reinstatement of bonus points;
2. The hunt number for which the hunt permit-tag is valid;
3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
5. The valid, unused hunt permit-tag, which must be received before the beginning date of the hunt for which the hunt permit-tag is valid, or evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

N. Reinstatement of bonus points under subsection (M) is not subject to the requirements established under R12-4-118.

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

- A.** In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed ~~in~~ under A.R.S. §§ 17-332 and 17-371, and that each tag ~~is made of tear resistant material with an adhesive back covered by a detachable paper backing and~~ clearly identifies the animal for which the tag is valid.
- B.** If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant's name, home mailing address, and Department identification number.
 2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.
- C.** If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.
1. To apply for a hunt permit-tag, an applicant shall submit an application as described under R12-4-104.
 2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
 - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number for antelope, bear, deer, elk, javelina, and turkey to issue to individuals and groups that have bonus points. The Department shall reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to individuals and groups that have bonus points.
 - b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
 - i. First, to eligible applicants with the highest number of bonus points for that genus;
 - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
 - iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
 - c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
 - d. If the bag limit established by Commission Order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt

permit-tag application schedule published annually.

- D. The Department shall not make available more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any draw to nonresidents. The Department shall not make available more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total in any hunt number to nonresidents.
- E. The Department shall not make available more than 10%, rounded down, of the total hunt permit-tags in any hunt number to nonresidents for antelope, antlered deer, bull elk, javelina, or turkey. If a hunt number for antelope, antlered deer, bull elk, javelina or turkey has 10 hunt permit-tags or fewer, no more than one hunt permit-tag will be made available to a nonresident, except that if a hunt number has only one hunt permit-tag, that tag shall only be available to a resident.
- F. Any cap established under this Section applies only to hunt permit-tags issued by random drawing under subsections (C)(2)(b) and (c).

R12-4-118. ~~Repealed~~ Hunt Permit-tag Surrender

- A. The Commission authorizes the Department to implement a tag surrender program if the Director finds:
 - 1. The Department has the administrative capacity to implement the program;
 - 2. There is public interest in such a program; or
 - 3. The tag surrender program is likely to meet the Department's revenue objectives.
- B. The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
 - 1. The Department may establish a membership program that offers a person various products and services.
 - 2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
 - a. The lowest membership level may include the option to surrender one hunt permit-tag.
 - b. The Department may include with higher membership levels the option to surrender one or more hunt permit-tags.
 - 3. The Department may establish terms and conditions for the membership program in addition to the following:
 - a. The Department may determine the products and services included with each membership level.
 - b. Membership enrollment is available online only.
 - c. Membership is not transferable.
 - d. The price paid for a membership is not refundable.
- C. The tag surrender program is restricted to surrendering an original, unused hunt permit-tag obtained through a computer draw.
 - 1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag surrender.

2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business on the day before the hunt begins for which the tag is valid.
- D.** To surrender an original, unused hunt permit-tag, a person shall comply with all of the following conditions:
1. A person shall submit an application form to any Department office. The application form is available at any Department office and online at www.azgfd.gov. The applicant shall provide all of the following information on the application form:
 - a. The applicant's:
 - i. Name.
 - ii. Mailing address.
 - iii. Department identification number.
 - iv. Membership number.
 - b. Applicable hunt number.
 - c. Applicable hunt permit-tag number, and
 - d. Any other information required by the Department.
 2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points forfeited for the surrendered tag, and
 2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
 3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E).
- F.** The Department may re-issue or destroy the surrendered original, unused hunt permit-tag. The Department shall use the methods described below to re-issue a surrendered tag. Methods for re-issuance of a surrendered tag include:
1. Issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process;
 2. Issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process;
 3. Issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process; or
 4. Offering the surrendered tag through the first-come, first-serve process.

- G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for reissuing a surrendered tag as provided under the selected reissuing method.
- H.** When re-issuing a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.
1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag.
 2. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.
- I.** A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall forfeit all bonus points accrued for that genus, except any Hunter Education and loyalty bonus points.
 2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
 3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by the Commission.
 4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.
- J.** A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any forfeited bonus points, except as authorized under R12-4-107(M).
- K.** For the purposes of this Section and Section R12-4-121, "valid and active membership" means a paid and unexpired membership in any level of the Department's membership program.

R12-4-121. Big Game Permit or Tag Transfer

- A.** For the purposes of this Section, "unused tag" means a big game hunt permit-tag, non-permit tag, or special license tag that has not been attached to any animal.
- B.** A parent, grandparent, or guardian issued a big game hunt permit-tag, non-permit tag, or special license tag may transfer the unused tag to the parent's, grandparent's, or guardian's minor child or grandchild.
1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.

2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
 - a. Proof of ownership of the unused tag to be transferred,
 - b. The unused tag, and
 - c. The minor's valid hunting license.
 3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the individual's estate may transfer an unused tag to an eligible minor. The individual acting as the personal representative shall present:
 - a. The deceased individual's death certificate, and
 - b. Proof of the individual's authority to act as the personal representative of the deceased individual's estate.
 4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
 5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.
- C. An individual issued a tag or the individual's legal representative may donate the unused tag to a non-profit organization for use by a minor child who has a life threatening medical condition or permanent physical disability.
1. A qualifying organization:
 - a. Is exempt from federal taxation under Section 501(c) of the Internal Revenue Code; and
 - b. Provides hunting opportunities and experiences to children with life-threatening medical conditions or permanent physical disabilities.
 2. The individual or legal representative that donates the unused tag shall provide the non-profit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
 3. The non-profit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child by contacting any Department office.
 - a. To obtain a transfer, the non-profit organization shall:
 - i. Provide proof of donation of the unused tag to be transferred;
 - ii. Provide the unused tag;
 - iii. Provide proof of the minor child's valid hunting license; and
 - b. To be eligible to receive a donated unused tag from a qualifying organization, the minor child shall meet the criteria established under subsection (D).
 4. A person who donates an original, unused hunt permit-tag to a qualified non-profit organization may submit a request to the Department asking for the reinstatement of the bonus points forfeited when the unused tag was issued in a computer drawing, provided all of the following conditions are met:
 - a. The person has an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of

tag transfer;

b. The person submits an application form in compliance with R12-4-118; and

c. The person provides proof acceptable to the Department the tag was transferred to an eligible non-profit organization.

d. The person submits the request to the Department:

i. No later than 60 days after the date on which the tag was transferred to the qualified non-profit organization; and

ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.

D. To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:

1. Possess a valid hunting license, and
2. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-approved hunter education course before the beginning date of the hunt.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-302. Use of Tags

A. In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.

B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.

C. An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.

D. An individual shall:

1. Take and tag only the wildlife identified on the tag; and
2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.

E. Except as permitted under R12-4-217, an individual shall not:

1. Allow their tag to be attached to wildlife killed by another individual,
2. Allow their tag to be possessed by another individual who is in a hunt area,
3. Attach their tag to wildlife killed by another individual,
4. Attach a tag issued to another individual to wildlife, or
5. Possess a tag issued to another individual while in a hunt area.

F. Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the following manner:

1. ~~Remove all of the detachable paper covering from the adhesive back of the tag;~~

2. ~~Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and~~
 - a. ~~For antelope, deer, or elk: seal the tag around the antler or horn, or through the gambrel of a hind leg;~~
 - b. ~~For bear, bighorn sheep, buffalo, javelina, or mountain lion: seal the tag through the gambrel of a hind leg; and~~
 - c. ~~For pheasant, sandhill crane, or turkey: seal the tag around the neck or a leg indicated on the tag.~~
- G. An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- H. If a tag is ~~sealed~~ cut, notched, or mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

- A. If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.
- B. Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.
- C. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086.
- D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 1/2" x 11" paper. The petitioner shall place the title "Petition for Hearing by the Arizona Game and Fish Commission" at the top of the first page. The petition shall include the items listed in subsections (E) through (H). The petitioner shall present the items in the petition in the order in which they are listed in this Section.
- E. The petitioner shall ensure that the title of Part 1 is "Identification of Petitioner" and that Part 1 includes the following information, as applicable:
 1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
 2. If the petitioner is a private group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
 3. If the petitioner is a public agency, the name and address of the agency and the name, title, telephone

number, and e-mail address (if available) of the agency's representative.

- F.** The petitioner shall ensure that the title of Part 2 is "Statement of Facts and Issues." Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.
- G.** The petitioner shall ensure that the title of Part 3 is "Petitioner's Proposed Remedy." Part 3 shall contain a full and detailed explanation of the specific remedy the petitioner is seeking from the Commission.
- H.** The petitioner shall ensure that the title of Part 4 is "Date and Signatures." Part 4 shall contain:
 - 1. The original signature of the private party or the official contact named in the petition, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
 - 2. The month, day, and year that the petition is signed.
- I.** If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.
- J.** After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.
- K.** If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- L.** This Section does not apply to the following:
 - 1. A matter related to a license revocation or civil assessment; ~~or~~
 - 2. An unsuccessful hunt permit-tag draw application, where there was no error on the part of the Department;
or
 - 3. The reinstatement of a bonus point, except as authorized under R12-4-107(M).